

could roll the dice and still gamble to do it. But what would...let's say it did occur, several years later the woman decided she had made a mistake, what recourse would happen then and what would be the proper channels for the father and his wife to keep the child they thought had been theirs and had been theirs for three years? What would be the recourse they would have to go through then?

SENATOR CHAMBERS: Okay, now since you are giving me a hypothetical, I am going to have to answer hypothetically. There would not have been an adoption that took custody from the mother. There would be no legal document or proceeding that gave custody to the father. So all the mother would really have to do is establish that she is the mother and that would give her a right...as much right to the child as the father. That then brings the issue before the court as to which of the two is more suitable to be given legal custody, since it was never established in court which one would have it. Then they have got to go on and establish it in that way if a dispute arises. This bill doesn't change anything. That could happen today.

SENATOR MOORE: That could happen today in foster children, or would not...or adopted, some problems.

SENATOR CHAMBERS: Or even if, as some of the examples have been given to us, where two people may be living together at one point and have a child, then separate and the man could just run off with the child, then laws come into place. And on these issues, they are so difficult even without the surrogacy problem that the U.S. Supreme Court said that when there are conflicting orders in various state courts between parents, the state courts should ultimately resolve those issues and the federal courts will not rule that one state has given more rights to the parent than the other state, they are going to have to continue to resolve it at the state level and that decision came down just a few days ago. It is so complex that it's hard to just state a rule that will fit every situation.

SENATOR MOORE: In the same case, you know, it all would...you throw it into the courts, the fee, the initial fee paid and all those things would then be settled by a court much as they are on a two-parent, two people living together now and actually the same thing would apply almost.

SENATOR CHAMBERS: Under this law, the agreement would not even